

Identify Prohibited Persons

The Gun Control Act (GCA), codified at 18 U.S.C. § 922(g), makes it unlawful for certain categories of persons to ship, transport, receive, or possess firearms or ammunition, to include any person:

- *convicted in any court of a crime punishable by imprisonment for a term exceeding one year;*
- *who is a fugitive from justice;*
- *who is an unlawful user of or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act, codified at 21 U.S.C. § 802);*
- *who has been adjudicated as a mental defective or has been committed to any mental institution;*
- *who is an illegal alien;*
- *who has been discharged from the Armed Forces under dishonorable conditions;*
- *who has renounced his or her United States citizenship;*
- *who is subject to a court order restraining the person from harassing, stalking, or threatening an intimate partner or child of the intimate partner; or*
- *who has been convicted of a misdemeanor crime of domestic violence.*

The GCA at 18 U.S.C. § 922(n) also makes it unlawful for any person under indictment for a crime punishable by imprisonment for a term exceeding one year to ship, transport, or receive firearms or ammunition.

Further, the GCA at 18 U.S.C. § 922(d) makes it unlawful to sell or otherwise dispose of firearms or ammunition to any person who is prohibited from shipping, transporting, receiving, or possessing firearms or ammunition.

The Arms Export Control Act (AECA) prohibits the issuance of licenses to persons who have been convicted of:

- *Section 38 of the AECA, 22 USC 2778;*
- *Section 11 of the Export Administration Act of 1979, 60 USC App. 2410;*
- *Sections 7903, 794, or 798 of Title 18, USC, relating to espionage involving defense or classified information;*
- *Section 16 of the Trading with the Enemy Act, 50 USC App. 16;*
- *Section 30A of the Securities Exchange Act of 1934, 15 USC 78dd-1, or section 104 of the Foreign Corrupt Practices Act, 15 USC 78dd-2;*
- *Chapter 105 of Title 18, USC, relating to sabotage;*
- *Section 4(b) of the Internal Security Act of 1950, 50 USC 783(b), relating to communication of classified information;*

- *Sections 57, 92, 101, 104, 222, 224, 225, or 226 of the Atomic Energy Act of 1954, 42 USC 2077 2122, 2131, 2234, 2272, 2275, and 2276;*
- *Section 601 of the National Security Act of 1947, 50 USC 421, relating to the protection of the identity of undercover intelligence officers, agents, and other sources;*
- *Section 371 of Title 17, USC, when it involves conspiracy to violate any of the above statutes; and*
- *International Emergency Economic Powers Act, 50 USC 1702 and 1705.*

Prohibitions on Certain Types of Firearms

Federal firearms laws prohibit transactions in and possession of certain types of firearms.

These include, for example:

- *Transfer or possession of a machinegun, 18 USC 922(o);*
- *Manufacture, importation, sale, or possession of any firearm not detectable by airport security devices, 18 USC 922(p);*
- *and Possession of a firearm not registered as required by the National Firearms Act (NFA), 26 USC 5861(d).*

Last Reviewed January 9, 2020